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United States District Court  
for the  
Eastern District of New York



23-CV-5241-EK-RML

Joshua Adam Schulte,  
Plaintiff

Case No. \_\_\_\_\_

-v-

MAAT, Warden MDC

COMPLAINT FOR VIOLATION OF  
CIVIL RIGHTS

- FIRST AND FIFTH AMENDMENT INJUNCTIVE  
RELIEF

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## I. Parties to Complaint

### A. Plaintiff

Joshua Adam Schulte #79471054  
Metropolitan Detention Center (MDC)  
P.O. Box 324002  
Brooklyn, NY 11232

### B. Defendants

Warden MAAT  
Metropolitan Detention Center (MDC)

## II. Basis for Jurisdiction

Prisoner civil rights complaint for injunctive relief against MDC

## III. Prisoner Status - Pretrial Detainees

### IV. Statement of Claim Plaintiff

On March 13, 2023 ~~Plaintiff~~ received React book in the mail. Later that day W. Carr informed Plaintiff that the book was not approved, and seized it. No book has ever been ~~more~~ seized from Plaintiff while held pretrial; MDC gave no reason for seizure nor complied with BOP federal regulations. 28 CFR § 540.71 outlines the proper procedure for seizing property from the mail. "A warden may reject a publication if it



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is determined detrimental to the security, good order, or discipline of the institution or if it might facilitate criminal activity..." ZB CCR § 540.71(b). "Where a publication is found unacceptable, the warden shall promptly advise the inmate in writing of the decision and the reasons for it. The notice must contain reference to the specific article(s) or material(s) considered objectionable. The warden shall permit the inmate an opportunity to review this material for purposes of filing an appeal under the Administrative Remedy Program..." Id. at (d).

The MDC did not serve any notice on plaintiff. Similar books were permitted other inmates in general population—it is merely a web-based programming book that cannot possibly contain any objectionable content. Plaintiff has both a First Amendment and Fifth Amendment Due Process right to the book. The MDC also violated Procedural Due Process by failing to give plaintiff an opportunity for a hearing on the matter.

V. Injuries — seizure of First Amendment protected content; also Fifth Amendment property interest

## VI. Relief

Return of the React book; Compensation for any and all filing fees and legal fees associated with this litigation



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VII Exhaustion of Administrative Remedies

Plaintiff first filed BP-8 on March 15, 2023, the day of the incident. There was no response. Plaintiff then proceeded to the next step and filed a BP-9 on April 17, 2023. There was no response. Plaintiff then proceeded to the next step and filed a BP-10 on May 22, 2023. There was no response. Plaintiff was unable to file the final BP-11 central office administrative remedy as unit team refused to provide BP-11 form, rendering it unavailable.


Accordingly, all available administrative remedies were exhausted.

VIII No previous lawsuits ever dismissed based on "three strikes" ruleIX Certification and closing

Under Fed. R. Civ. P. 11, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose; (2) is supported by existing law; (3) the factual contentions have evidentiary support; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the clerk's office with any changes to my address where case-related papers may be served. I understand that my failure to do so may result in the dismissal of my case.

Dated: Brooklyn, NY  
6/23/23

Joshua Adam Schulte  


Josh Schulte #74471054  
MDC (Metropolitan Detention Center)  
P.O. Box 324002  
Brooklyn, NY 11232

NEW YORK NY 100

5 JUL 2023 PM 9 L



ATTN: New Prisoner Civil Rights Suit  
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23-79471-054-0630-MOI

11201-183299

